

Remarks

This Request for Reconsideration is in response to the Final Office Action dated **July 30, 2009**. The Final Office Action rejected claims 38-41, 44, 46-49, and 51-55 under 35 USC § 103(a) over Imran (5,817,126) in view of Vonesh (US 6,336,937) and Hojeibane (US 5,911,732) and rejected claims 43, 45, and 50 under 35 USC § 103(a) over Imran in view of Vonesh and Hojeibane in further view of Klein (US 5,593,442).

In light of the following comments, Applicants request reconsideration.

Claim Rejections – Section 103

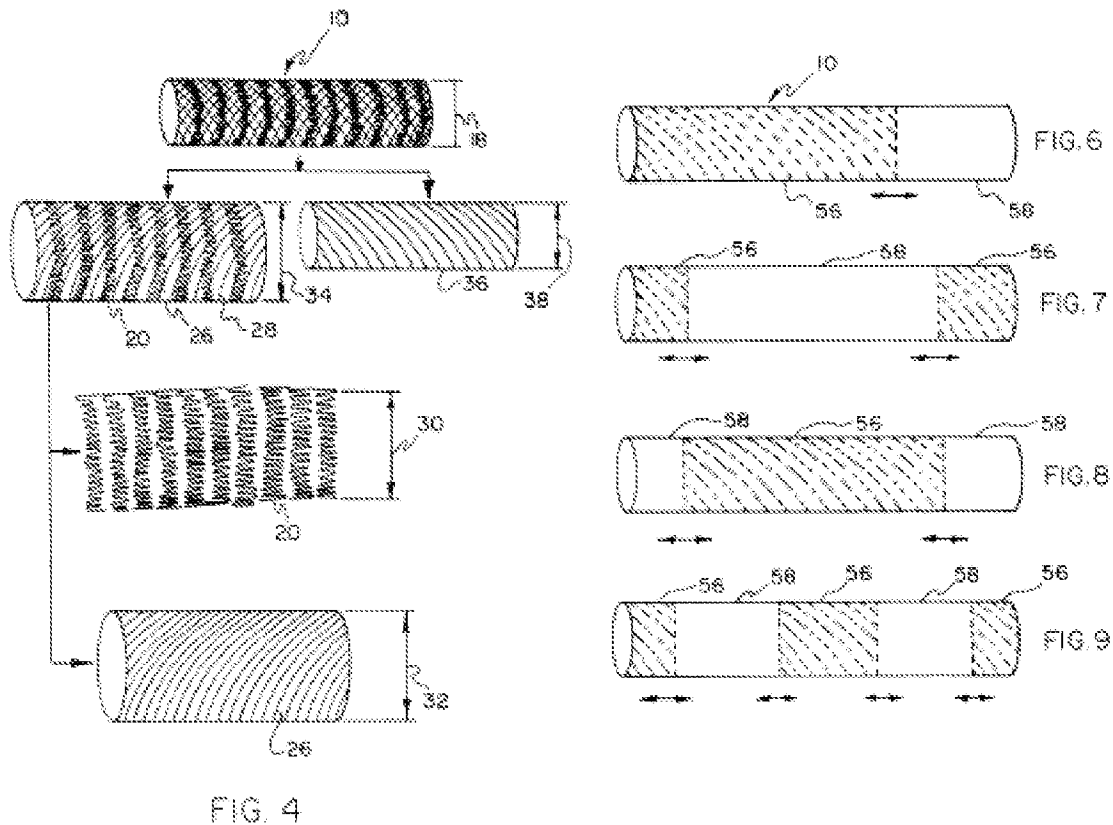
Claims 38-41, 44, 46-49, and 51-55

In the Final Office Action, claims 38-41, 44, 46-49, and 51-55 were rejected over Imran in view of Vonesh and Hojeibane. This rejection is *traversed*.

The Final Office Action notes that Imran does not disclose "one segment being self-expanding and the other segment being balloon expanding." The Final Office Action asserts, however, that Vonesh et al. "teach a stent [that] may have some sections balloon expanding (56) and the adjacent segments self expanding. . . ."

The reliance of the Final Office Action on Vonesh is misplaced. Vonesh does not teach a stent with a self-expanding segment and with a balloon expanding segment. Rather, Vonesh discloses a "multi-stage expandable stent-graft." Title of Vonesh. As shown below in figure 4 of Vonesh, the multi-stage stent-graft "begins by attaching together a self expanding stent frame element 20 to an auxiliary sleeve (or "graft") element 26 to form a first component part 28." Column 8, lines 62-64. Vonesh further discloses that "[i]n order to then cause the device to establish the second dimension 18 . . . a distensible sleeve element 36 is employed." Column 9, lines 57-59. Thus, as discussed at column 10, lines 44-47 of Vonesh, "the device of the present invention can combine both self-expanding properties and balloon-expanding properties into a single unit," due to the combination of the stent frame 20, sleeve element 26 and distensible sleeve element 36. With regard to figures 6-9 of Vonesh, below, these figures "illustrate various constructions of devices 10 that include a self-expanding and balloon distensible section 56 and a section 58 that is self-expanding only." Column 11, lines 48-50. Seemingly, sections 56 include a distensible sleeve element 36, while sections 58 are void of any such distensible sleeve element in

order to achieve the self-expanding/balloon expandable configuration.



It is unclear how a person having ordinary skill in the art would combine Vonesh with Imran and Hojeibane to render the immediate claims obvious. Moreover, even if the aforementioned references were combined, the resulting combination would not yield Applicants' claimed invention.

For example, claim 38 recites, in-part, "wherein either the coil segment is balloon expandable and not self-expanding and the serpentine segment is self-expanding and not balloon expandable, or the coil segment is self-expanding and not balloon expandable and the serpentine segment is balloon expandable and not self-expanding." Combining the stents of Imran and Hojeibane with the device of Vonesh would not produce a stent having a coil segment that is balloon expandable and a serpentine segment that is self-expanding, or a coil segment that is self-expanding and a serpentine segment that is balloon expandable.

Indeed, as noted above, whether a portion of the device of Vonesh is self-expandable or balloon expanding (or both) is a function of whether the distensible sleeve element 36 is present along that portion of the device. Thus, the expanding nature (self-expanding,

balloon expanding) of the device of Vonesh is independent of the configuration of the stent frame 20. As such, even if the stents of Imran and Hojeibane were combined with Vonesh, the resulting combination would not yield stent segments (coil and serpentine) having the attributes herein claimed. Furthermore, even if the distensible sleeve element 36 of Vonesh were attached to a section of the stent of Imran and/or Hojeibane, the relevant section would not be “not self-expanding” as is claimed.

In short, none of the aforementioned references, whether considered independently or in combination, teach or suggest a coil segment that is balloon expandable and not self-expanding and a serpentine segment is self-expanding and not balloon expandable, or a coil segment that is self-expanding and not balloon expandable and a serpentine segment is balloon expandable and not self-expanding,” as is claimed.

For at least the foregoing reasons, Applicants request withdrawal of the rejection of independent claims 38 and 46.

Claims 39-41, 44, 47-49, and 51-55 depend either directly or indirectly from claims 38 and 46, respectively. These claims are therefore patentable for at least the reasons discussed with respect to independent claims 38 and 46 and Applicants request withdrawal of the rejections.

Claims 43, 45, and 50

In the Final Office Action, claims 43, 45, and 50 were rejected over Imran in view of Vonesh, Hojeibane, and Klein. This rejection is *traversed*.

Claims 43, 45, and 50 depend either directly or indirectly from claims 38 and 46, respectively. Any alleged teaching of Klein does not remedy the deficiencies of Imran, Vonesh, and Hojeibane as discussed above with respect to independent claims 38 and 46. As such, Applicants request withdrawal of the rejection of claims 43, 45, and 50.

Conclusion

Based on at least the foregoing remarks, Applicants request withdrawal of the rejections and allowance of claims 38-41 and 43-55. Favorable consideration and prompt allowance of these claims is earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in better condition for allowance the Examiner is invited to contact Applicants' undersigned representative at the telephone number listed below.

Respectfully submitted,

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